

IDEM Update

Southwest Indiana Chamber of Commerce Environment and Energy Committee

October 12, 2016

Carol S. Comer, Commissioner

Indiana Department of Environmental Management

IDEM: Protecting Hoosiers and Our Environment While Becoming the Most Customer-Friendly Environmental Agency

IDEM's mission is to implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial and government activities vital to a prosperous economy.

How Does IDEM Protect Hoosiers and Our Environment?

- Developing regulations and issuing permits to restrict discharges to environmentally safe levels.
- Inspecting and monitoring permitted facilities to ensure compliance with the permits.
- Using compliance assistance and/or enforcement when people exceed their permit levels or violate regulations.
- Educating people on their environmental responsibilities.
- Cleaning up contaminated sites to eliminate public exposure to toxics and returning properties to productive use.

Performance Metrics July 2016

Result

Targets

Comments

Quality of Hoosiers' Environment

% of Hoosiers that live in counties that meet **air quality standards**

93.04%

100%

80%

Ozone in Clark, Floyd, Greene and LaPorte Counties; Sulfur Dioxide in parts of Daviess, Marion, Pike and Vigo Counties.

% of **CSO Communities** with approved programs to prevent the release of untreated sewage

98.17%

100%

90%

98+9 (107) out of 99+10 (109).
Not Gary and Hammond.

% of Hoosiers that receive water from facilities in full compliance with **safe drinking water standards**

97.70%

99%

95%

Due to the implementation of Stage2 Disinfection/Disinfectant ByProducts Rule affecting medium and small size public water systems that sell and purchase water, the Maximum Contaminant Level (MCL) for Total Trihalomethane and Haloacetic Acid cannot be met.

Permitting Efficiency

Total calendar days accumulated in issuing environmental permits, as determined by state statute*

Land	27,954	31,782	35,521	37,390 statutory
Air	28,136	47,269	52,830	55,611 statutory
Water	35,754	66,759	74,613	78,540 statutory

* Places emphasis on back logged permits

Compliance

Total percentage of compliance observations from regulated customers within acceptable compliance standards*

Inspections	97.15%	97%	75%
Self reporting	98.36%	99%	95%
Continuous monitoring (COM)	99.92%	99.9%	99%

* Tracks observations and not just inspections

Performance Metrics June 2005

Quality of Hoosiers' Environment

% of Hoosiers in counties meeting air quality standards	61%	100%	80%	12 counties and 2,408,571 of 6,195,643 residents above standard
% of CSO Communities with approved programs to prevent the release of untreated sewage	4%	100%	20%	75% by 2007 is goal

Permitting Efficiency Total calendar days accumulated in issuing environmental permits, as determined by state statute*

Land	100,013	66,565	86,864
Air	511,000	207,000	385,000
Water	301,000	48,000	200,000

* Places emphasis on back logged permits

Compliance Total percentage of compliance observations from regulated customers within acceptable compliance standards*

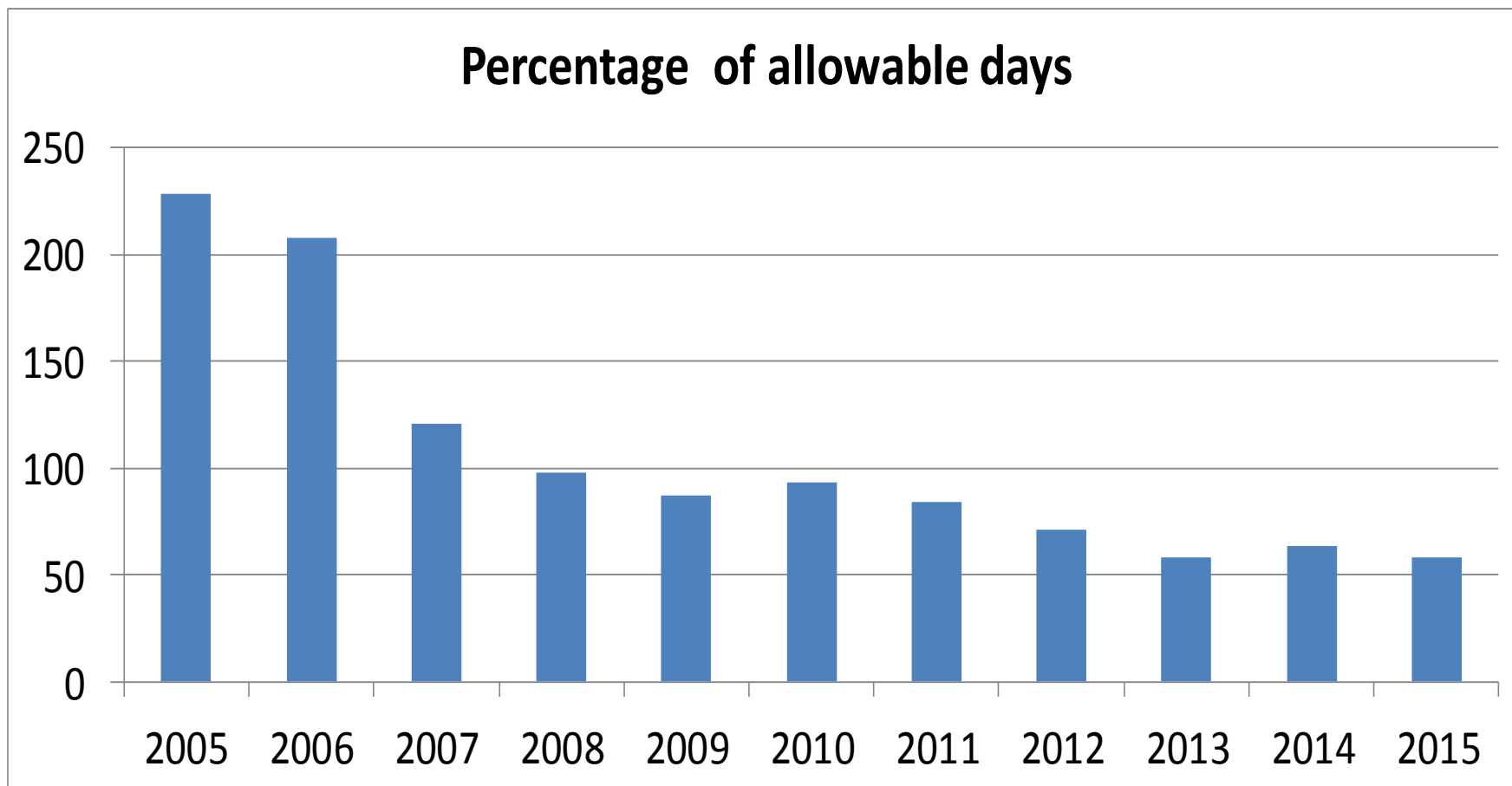
Inspections	95.46%	97%	75%
Self reporting	97.11%	99%	95%
Continuous monitoring (COM)	99.19%	99.90%	98.95%

* Tracks observations and not just inspections

Organizational Transformation Budgetary agency dollars spent on **key** outside contracts for core agency functions.

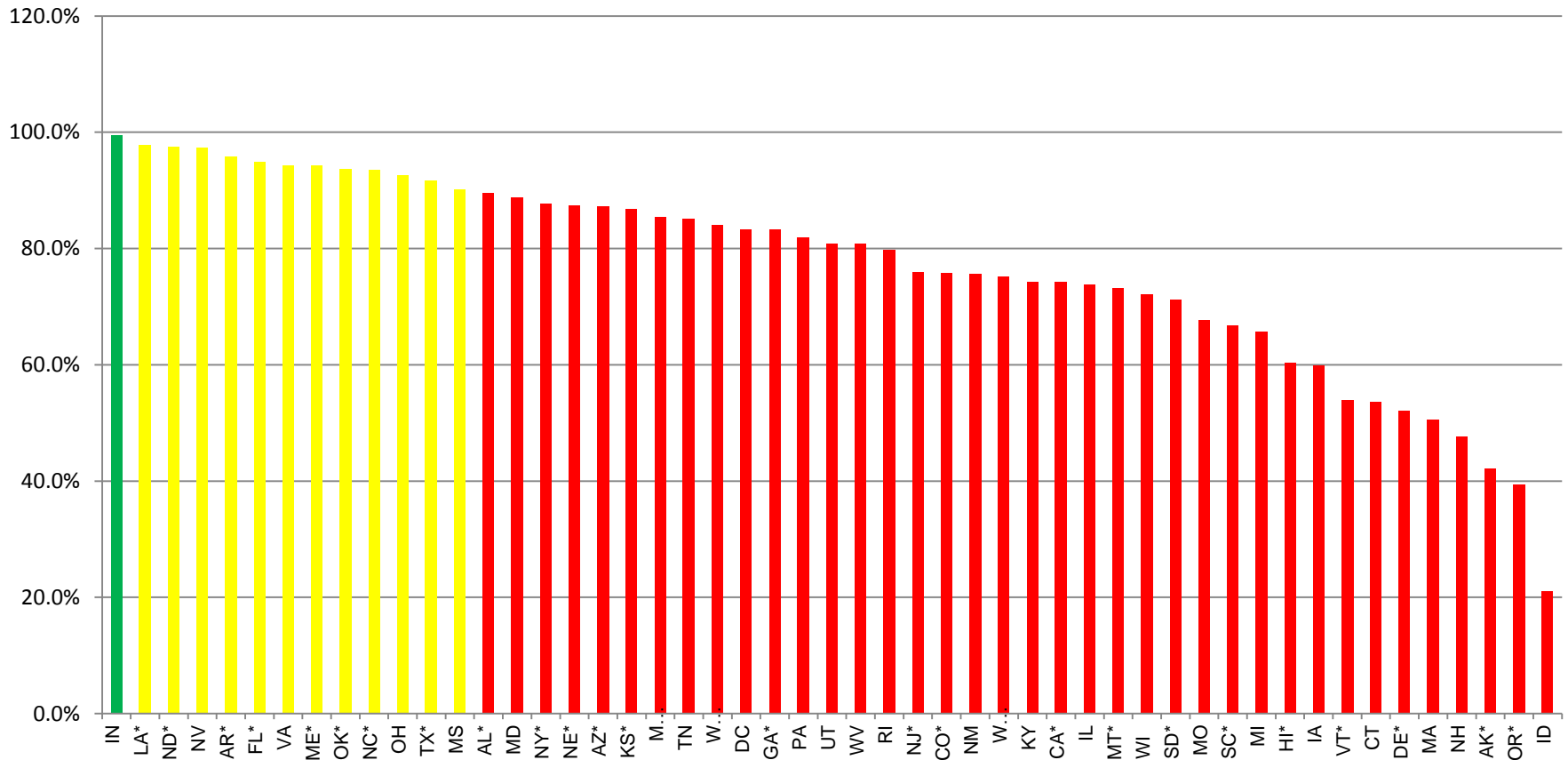
Dollars spent on outside services per year	\$6,179,367	\$0	\$3,447,017
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Permits – Percent of Statutory Days

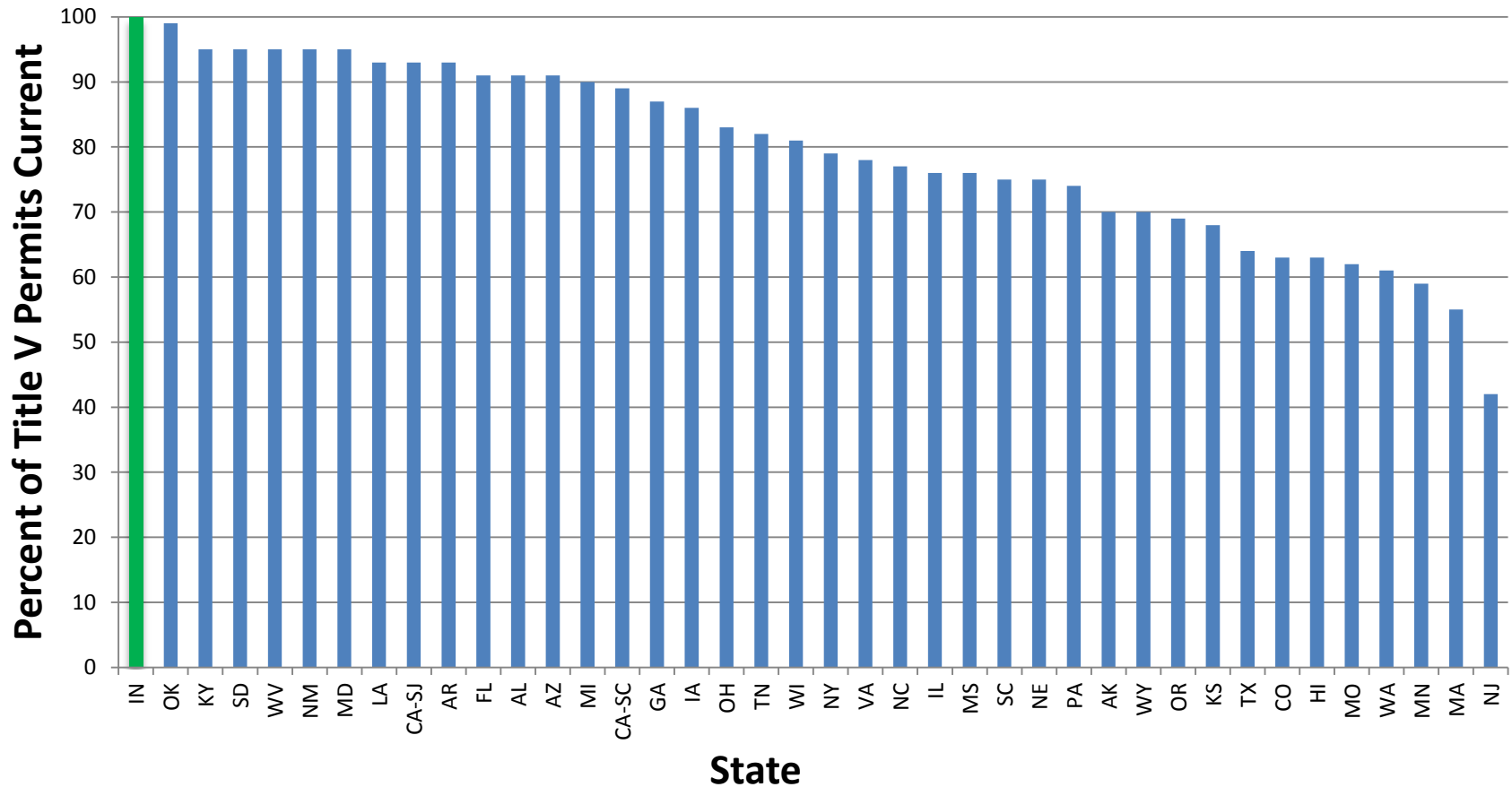


Indiana is Best in NPDES Permitting

Total % Current Wastewater Permits

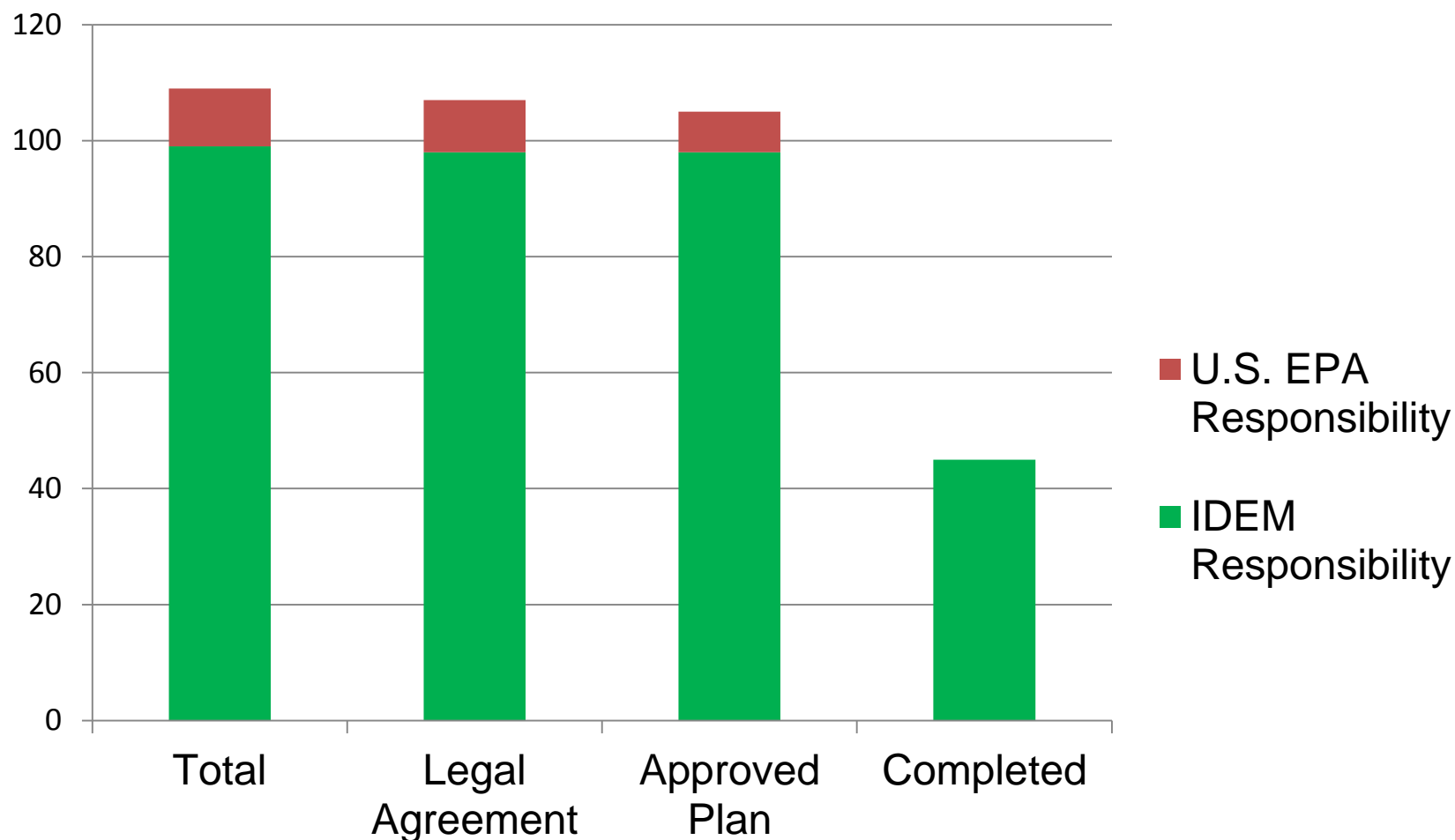


Indiana is Best in Air Permitting

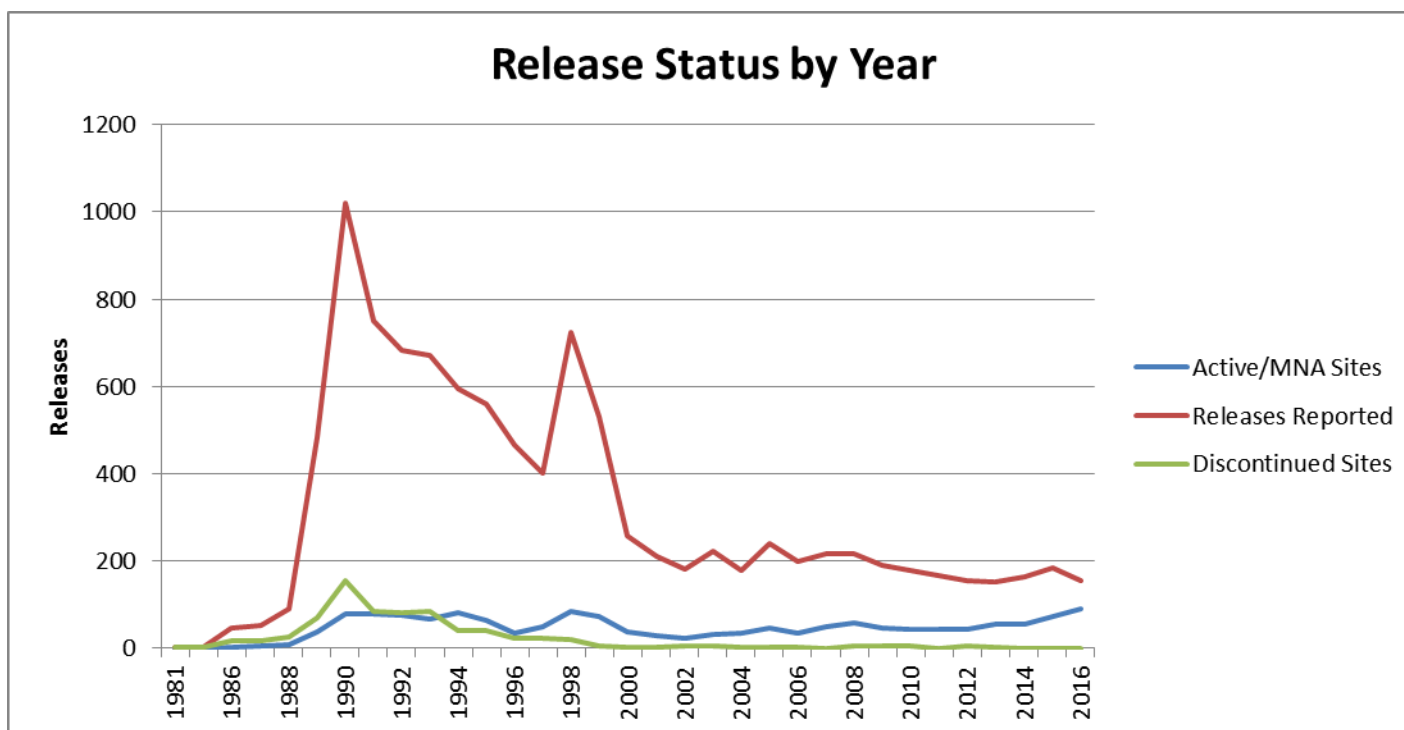


Water Quality

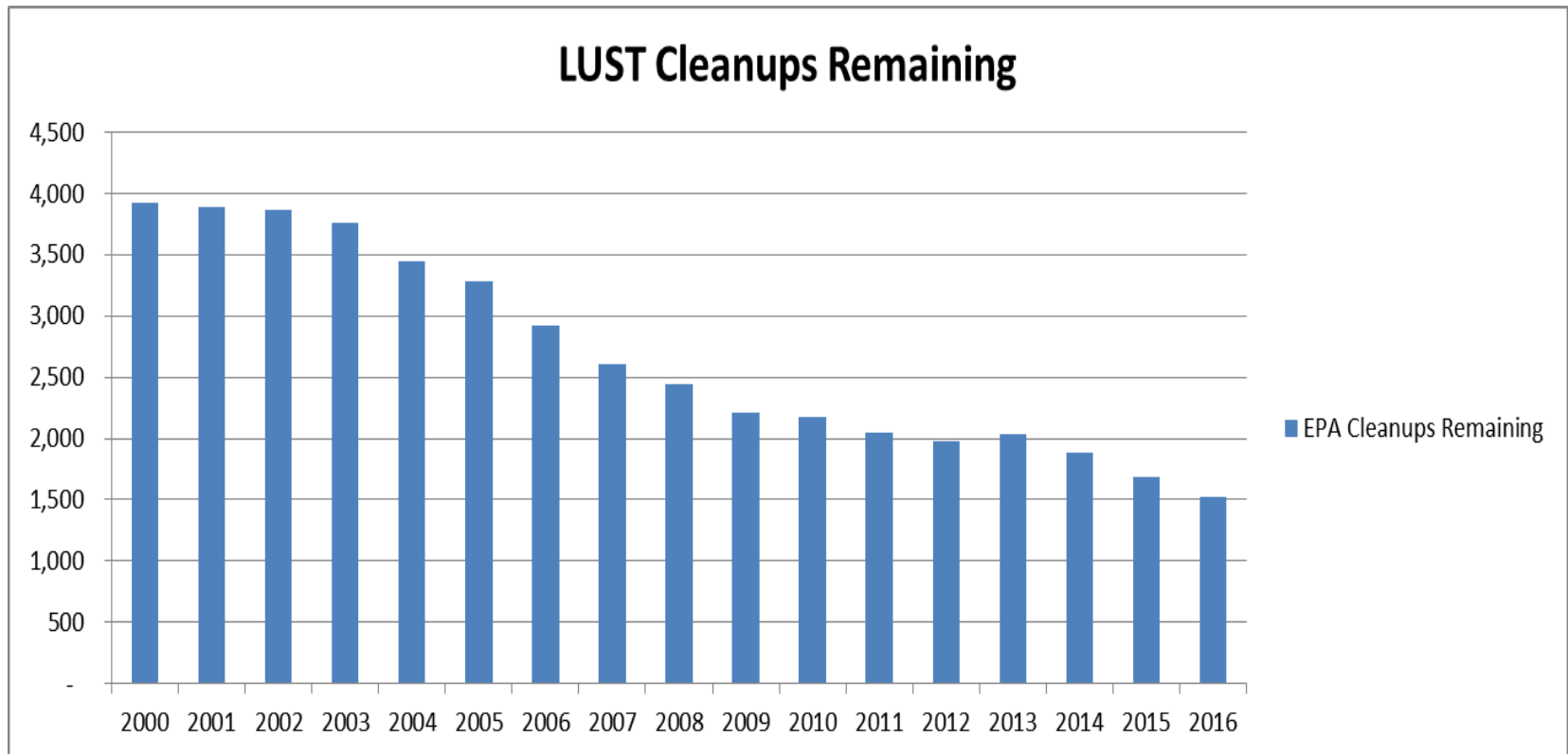
Indiana Combined Sewer Overflow Status



Petroleum Releases



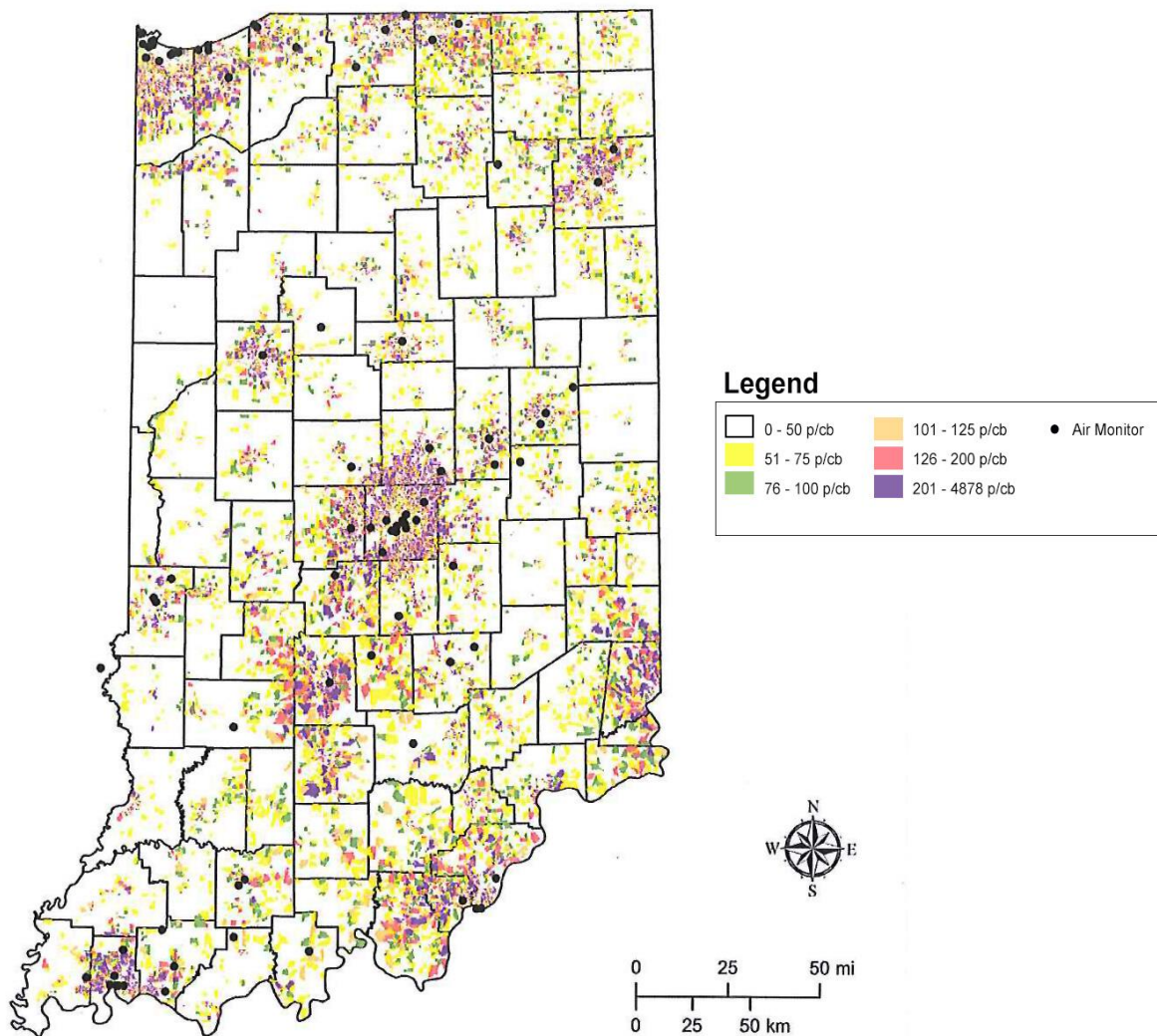
Petroleum Cleanups Remaining



Indiana's Air Quality

At the end of 2009, all areas of the State of Indiana met every National Ambient Air Quality Standard in effect for the first time since the NAAQS were established in the 1970s.

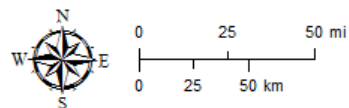
State Monitoring Network



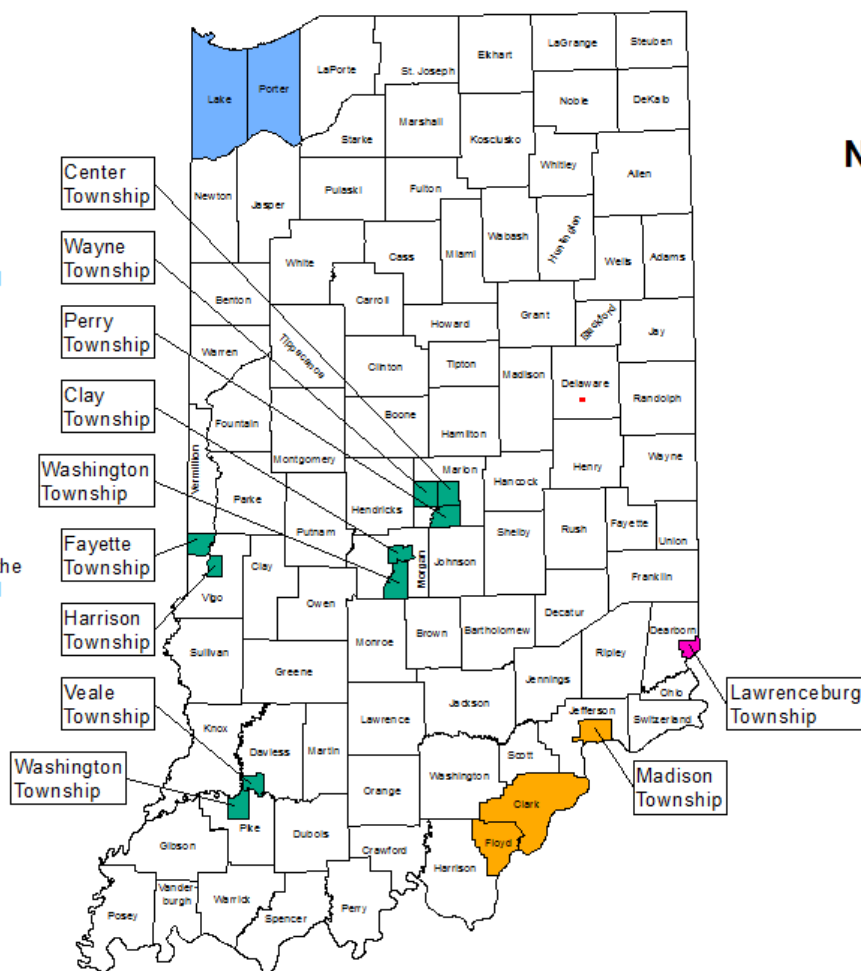
Current Air Quality

Legend

- Nonattainment for the 1997 Fine Particle Annual Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard
- Nonattainment for the 2010 SO₂ 1-Hour Standard
- Nonattainment for the 2008 Lead Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard and the 1997 Fine Particle Annual Standard

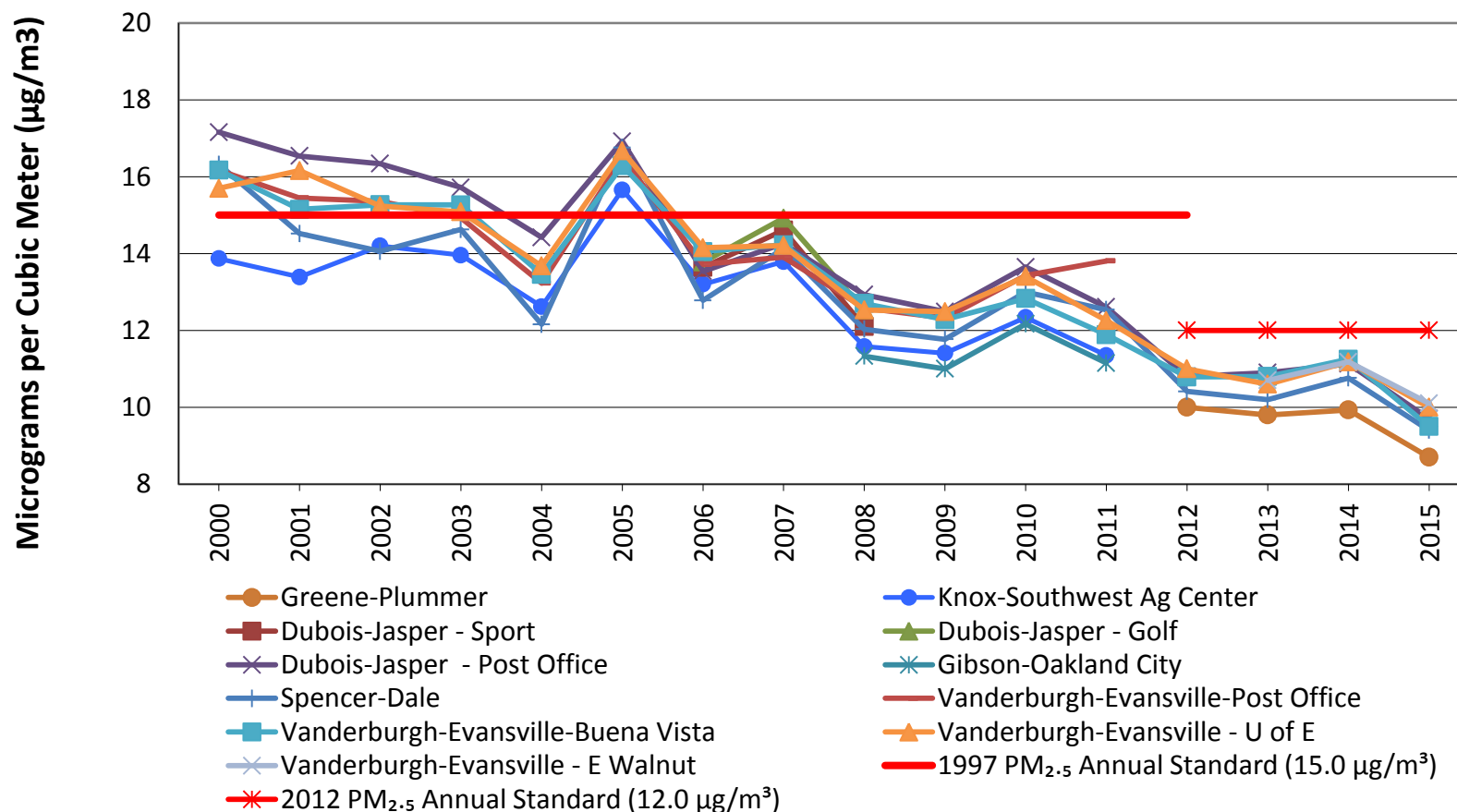


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Date: 03/18/2015
Source: IDEM
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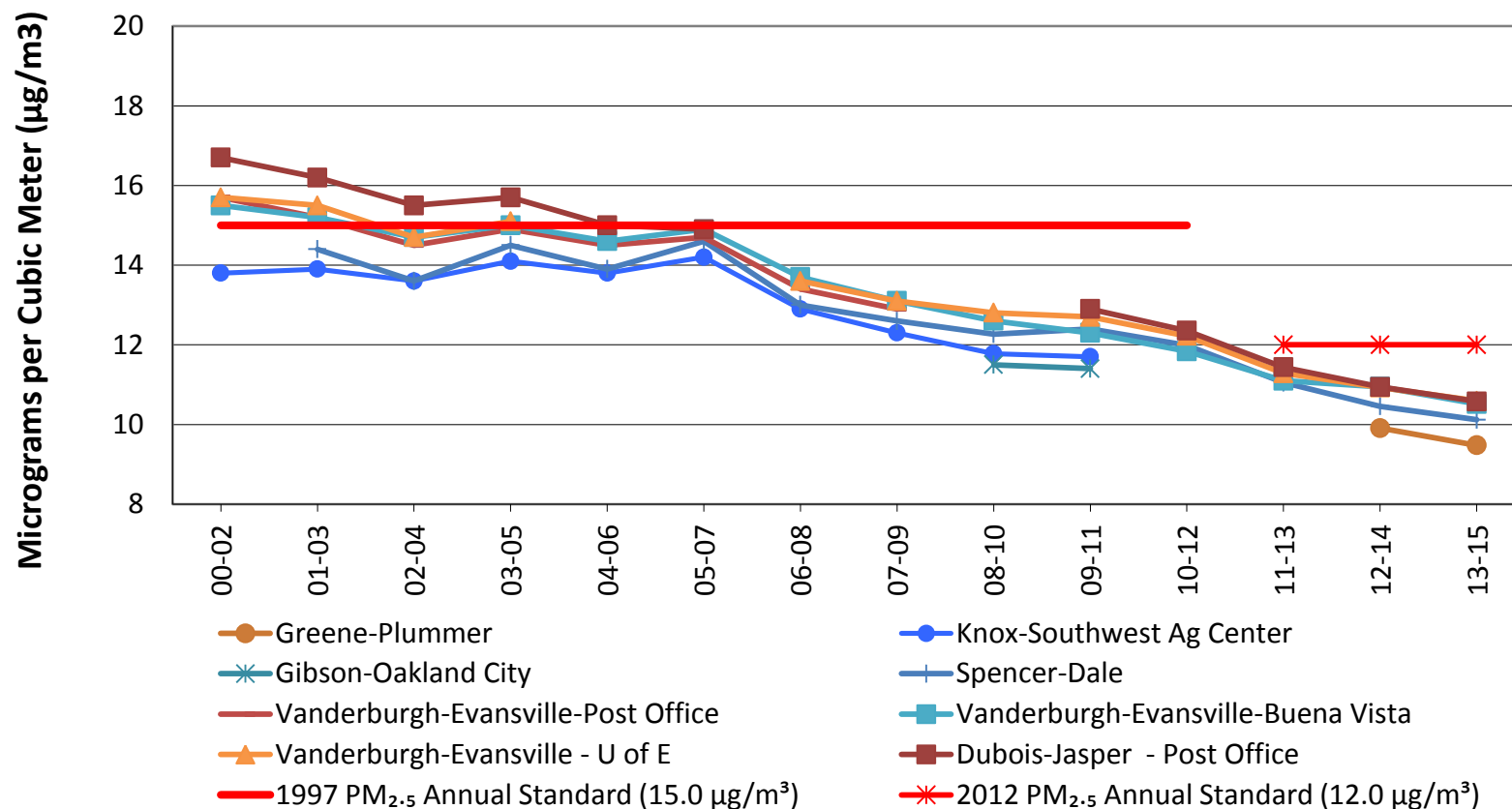


Current Nonattainment Areas

PM_{2.5} Annual Mean Summary Trend Chart Southwest Indiana

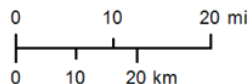


PM_{2.5} Annual Design Values Trend Chart Southwest Indiana



Legend

- PM_{2.5} Design Value
Less Than or Equal to
12.0 $\mu\text{g}/\text{m}^3$
- Indiana County Borders



Notes:

Posted Data Are in Units
of Micrograms Per Cubic
Meter ($\mu\text{g}/\text{m}^3$)

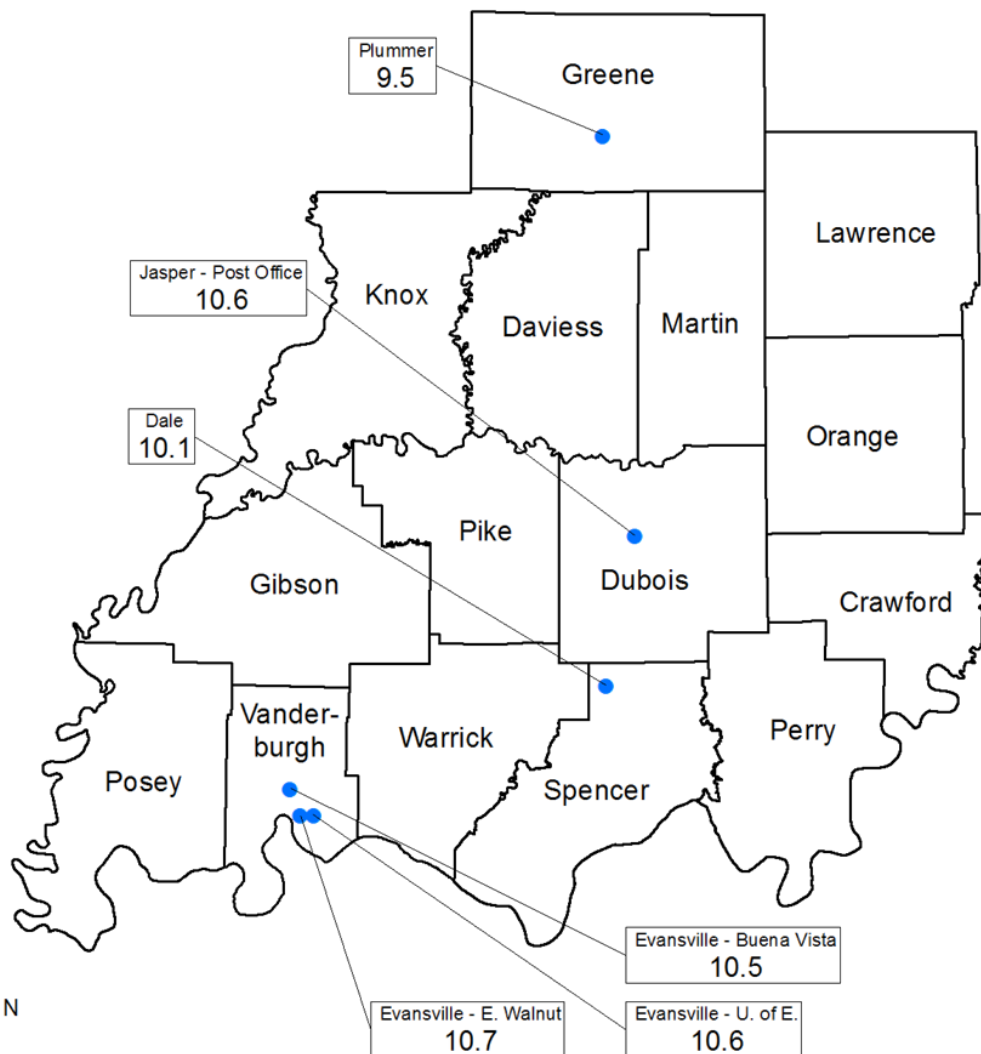
Mapped By: C. Mitchell, OAQ

Date: 10/05/2016

Source: IDEM, Air Monitoring

Map Projection: UTM Zone 16 N

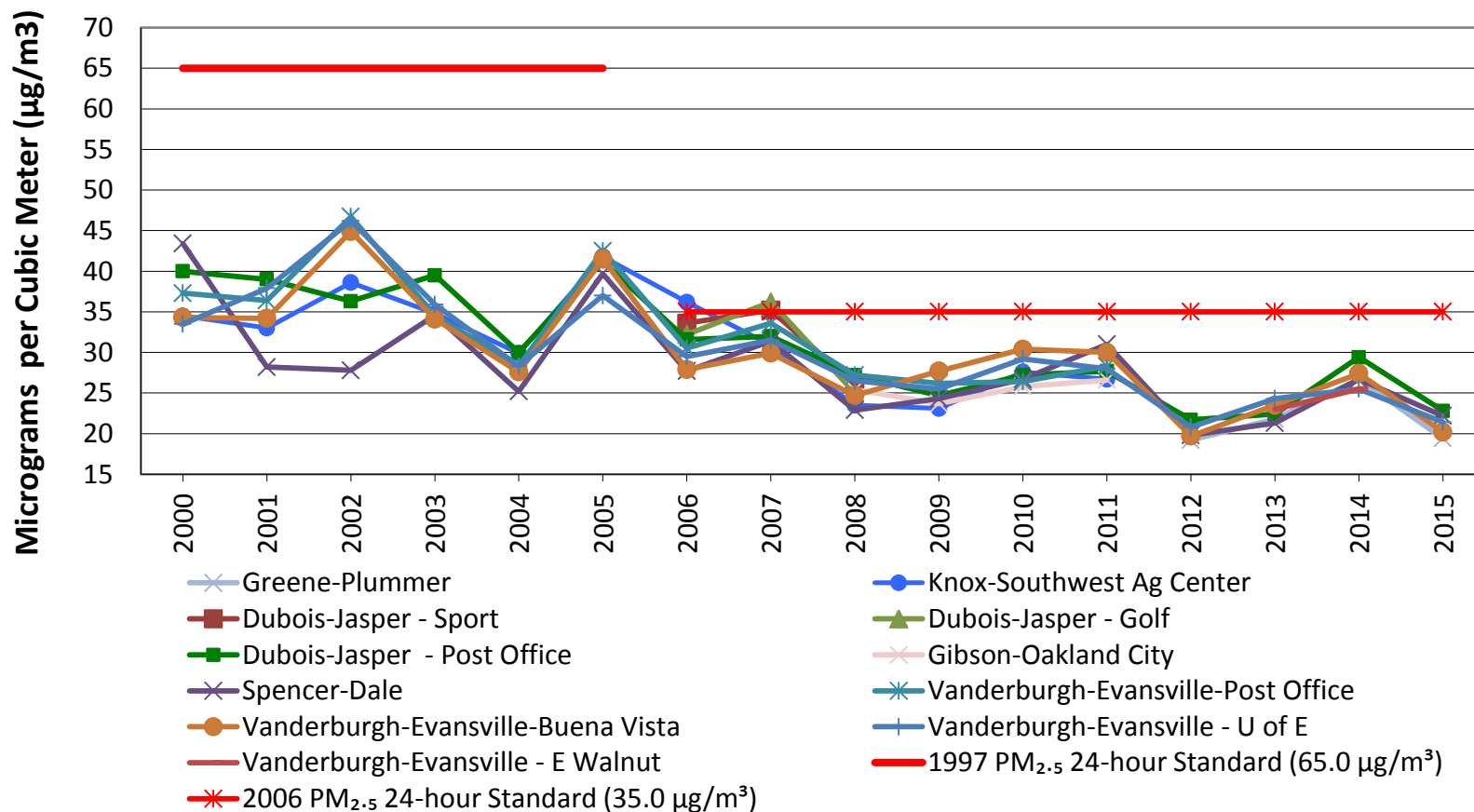
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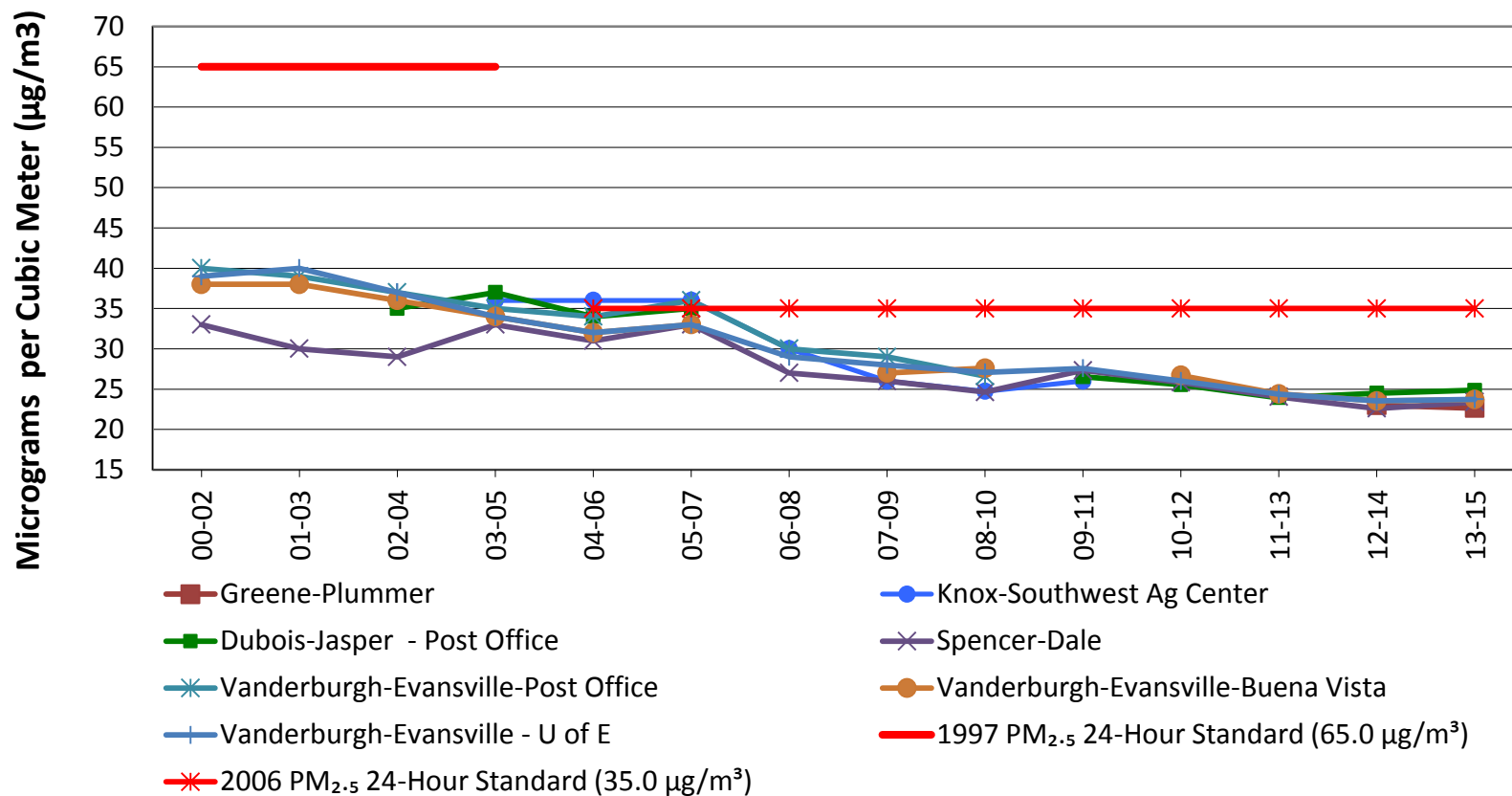
**PM_{2.5} Annual
Design Values
2013 - 2015
Southwest
Indiana**

**Standard set
at 12.0 $\mu\text{g}/\text{m}^3$**

PM_{2.5} 98th Percentile Values Trend Chart Southwest Indiana

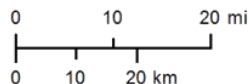


PM_{2.5} 24-Hour Design Values Trend Chart Southwest Indiana



Legend

- PM_{2.5} Design Value
Less Than or Equal to
35.0 µg/m³
- Indiana County Borders



Notes:

Posted Data Are in Units
of Micrograms Per Cubic
Meter (µg/m³)

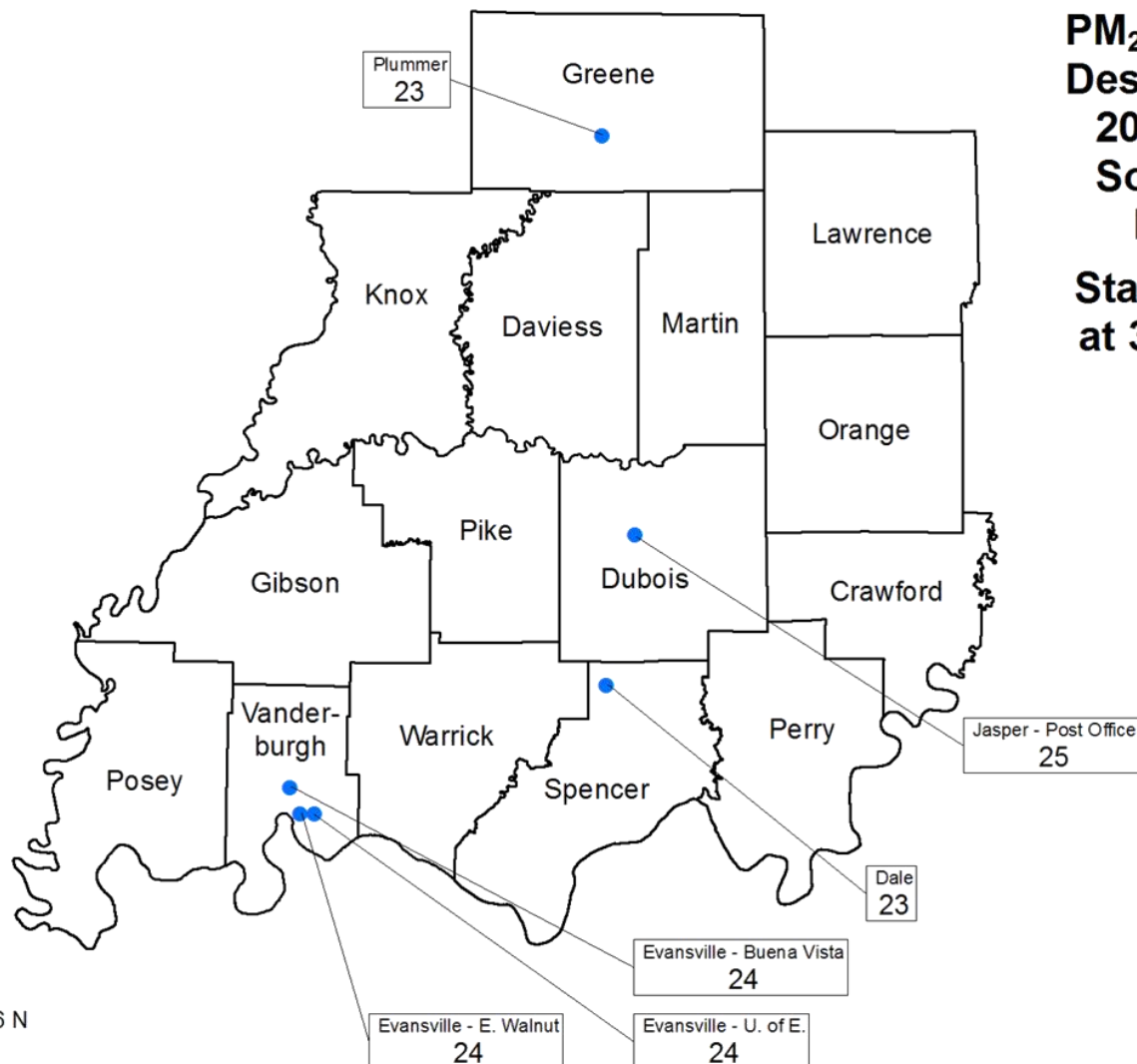
Mapped By: C. Mitchell, OAQ

Date: 10/05/2016

Source: IDEM, Air Monitoring

Map Projection: UTM Zone 16 N

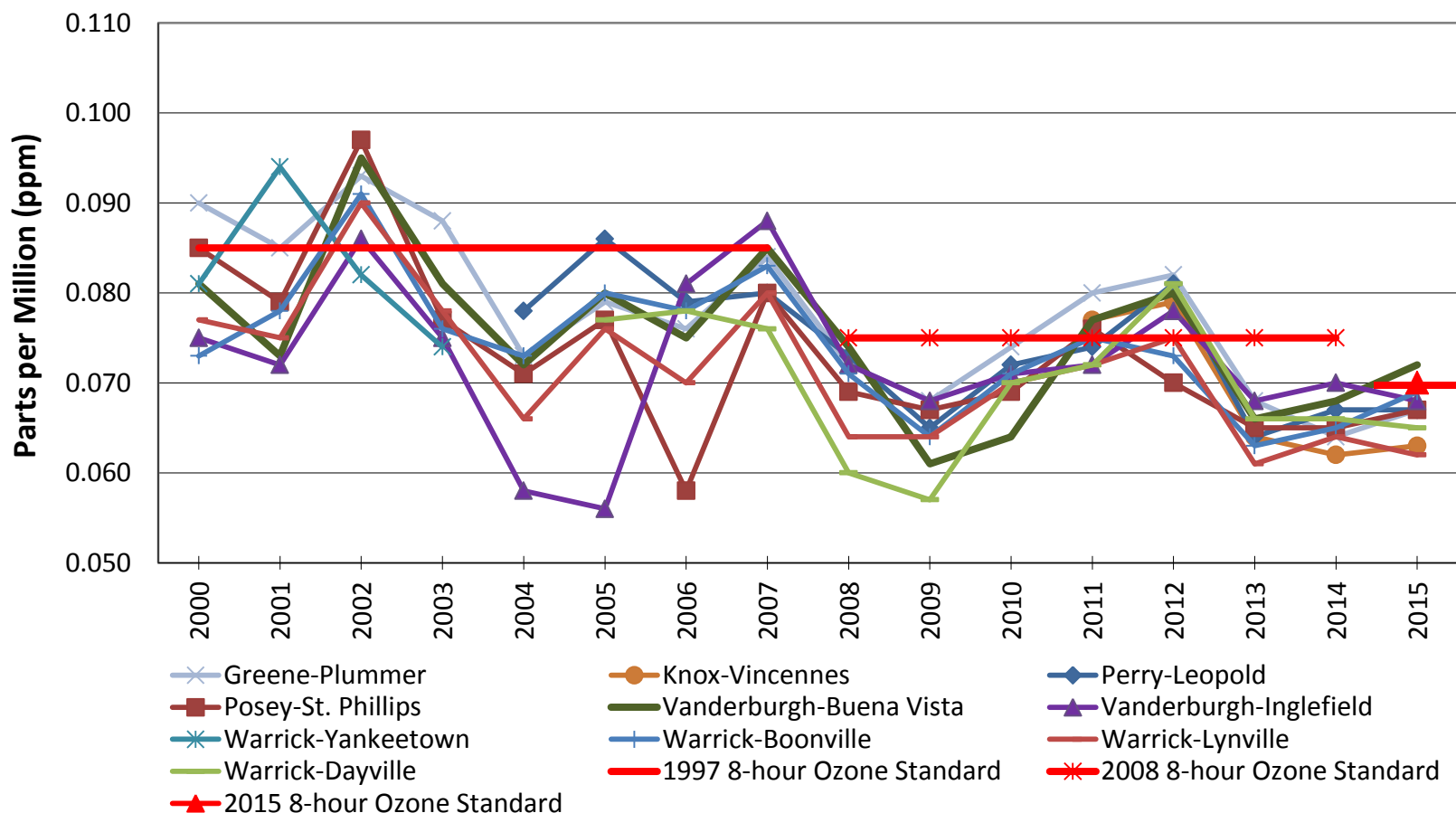
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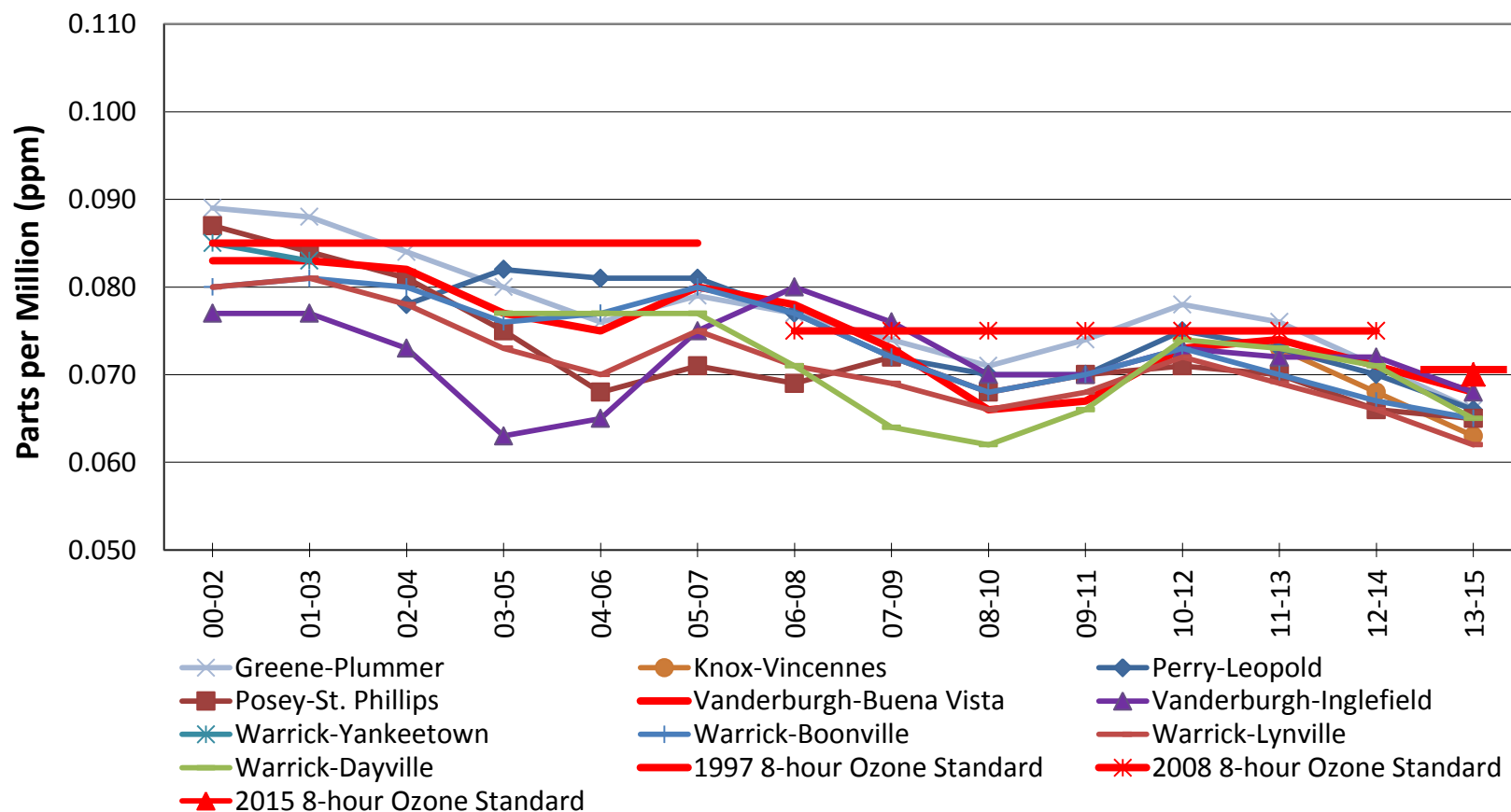
**PM_{2.5} 24-Hour
Design Values
2013 - 2015
Southwest
Indiana**

**Standard set
at 35.0 µg/m³**

Ozone 4th - High Values Trend Chart Southwest Indiana

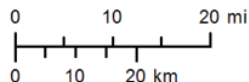


Ozone Design Values Trend Chart Southwest Indiana



Legend

- Ozone Design Value
Less Than or Equal to
0.070 ppm
- Indiana County Borders



Notes:

- Posted Data Are in Units of
Parts per Million (ppm)

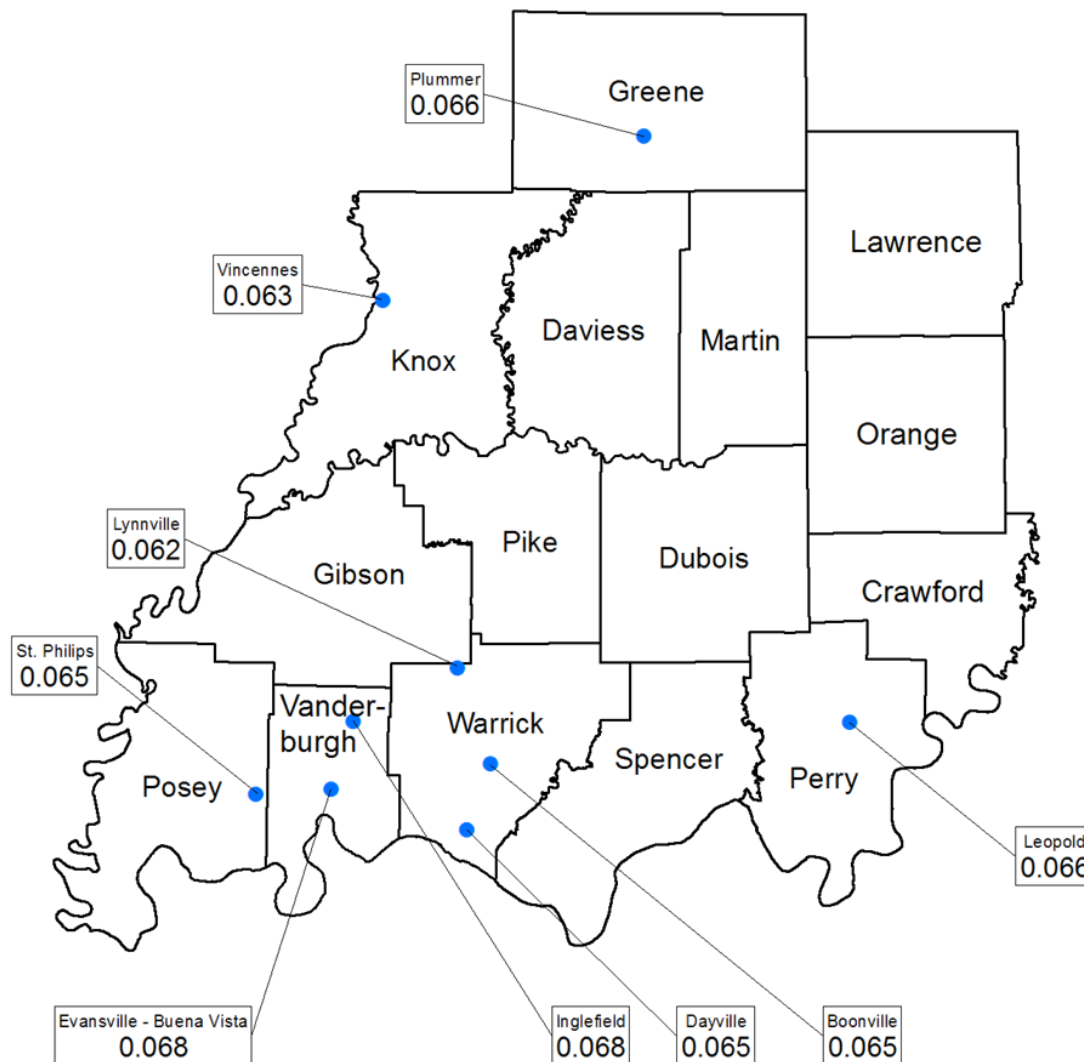
Date: 10/05/2016

Mapped By: C. Mitchell, OAQ

Sources: Office of Air Quality

Map Projection: UTM Zone 16 N

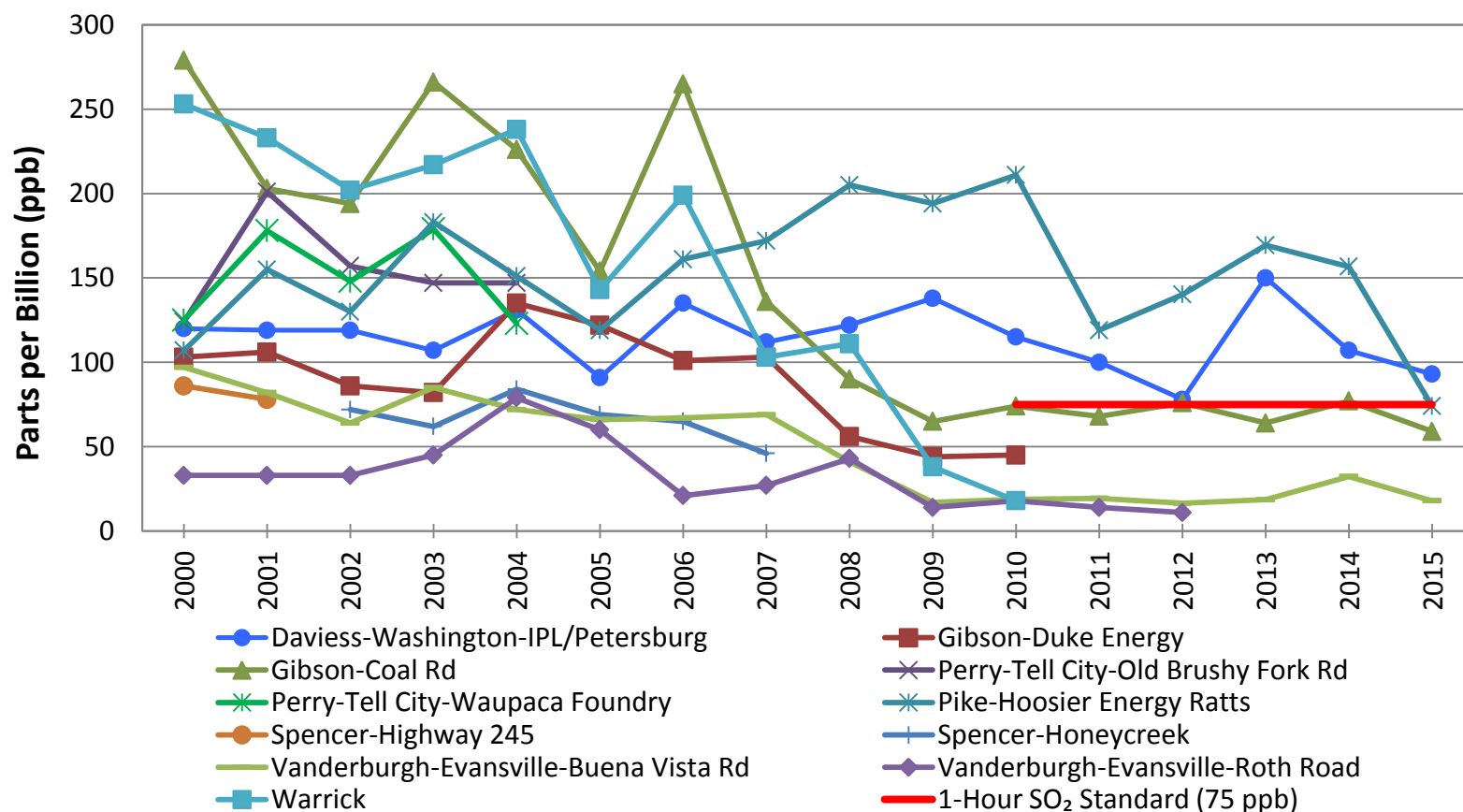
Map Datum: NAD83



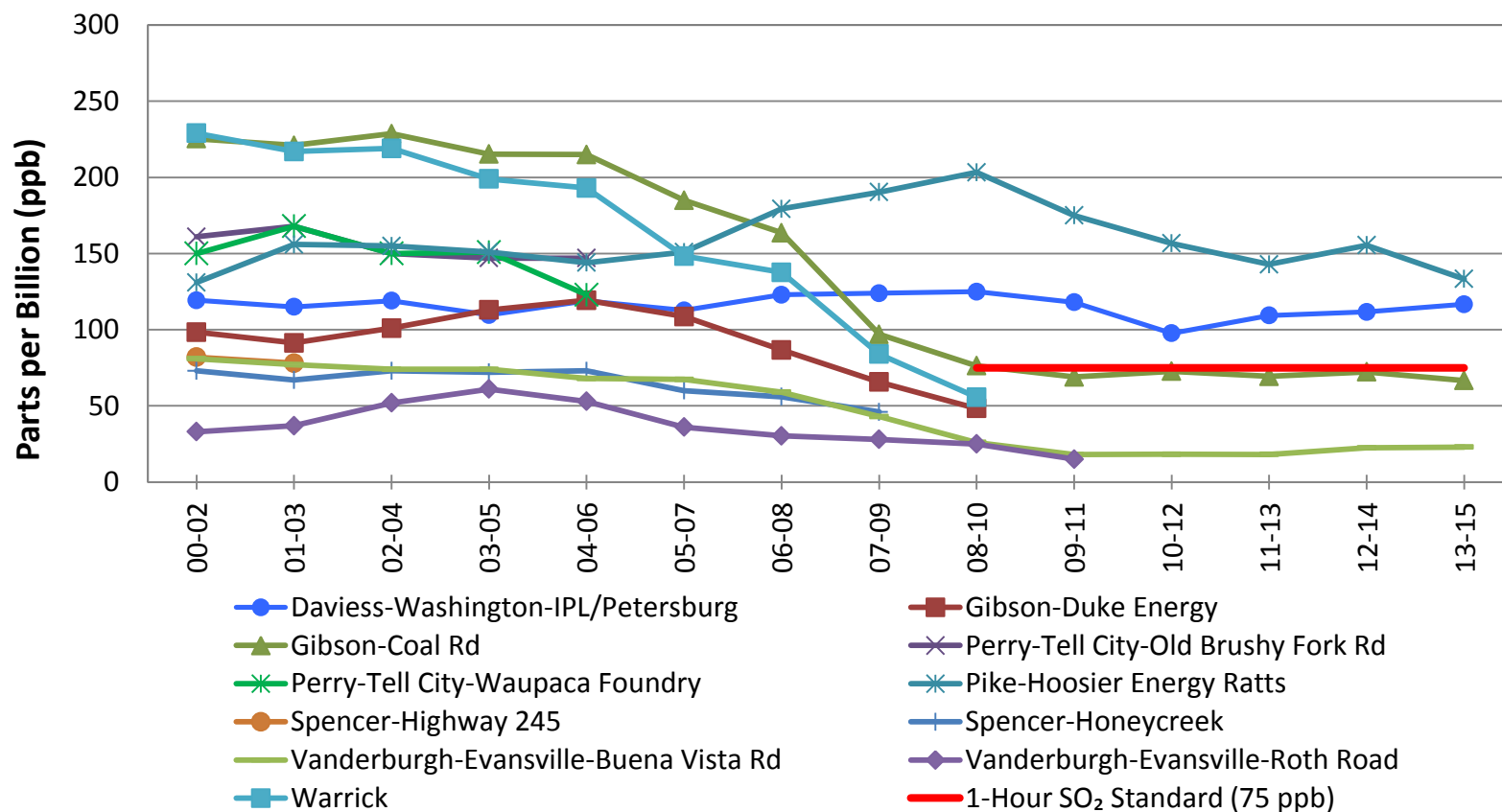
**Ozone 8-Hour
Design Values
2013 - 2015
Southwest
Indiana**

**Standard set
at 0.070 ppm**

SO₂ 4th - High Value Trends Southwest Indiana

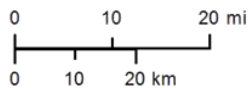


SO₂ – 1-Hour Design Value Trends Southwest Indiana



Legend

- SO₂ Monitor With Design Value Less Than or Equal to 75 ppb
- + SO₂ Monitor With Design Value Greater Than 75 ppb
- Indiana County Borders



Notes:
- Posted Data are in
Units of Parts Per Billion (ppb)

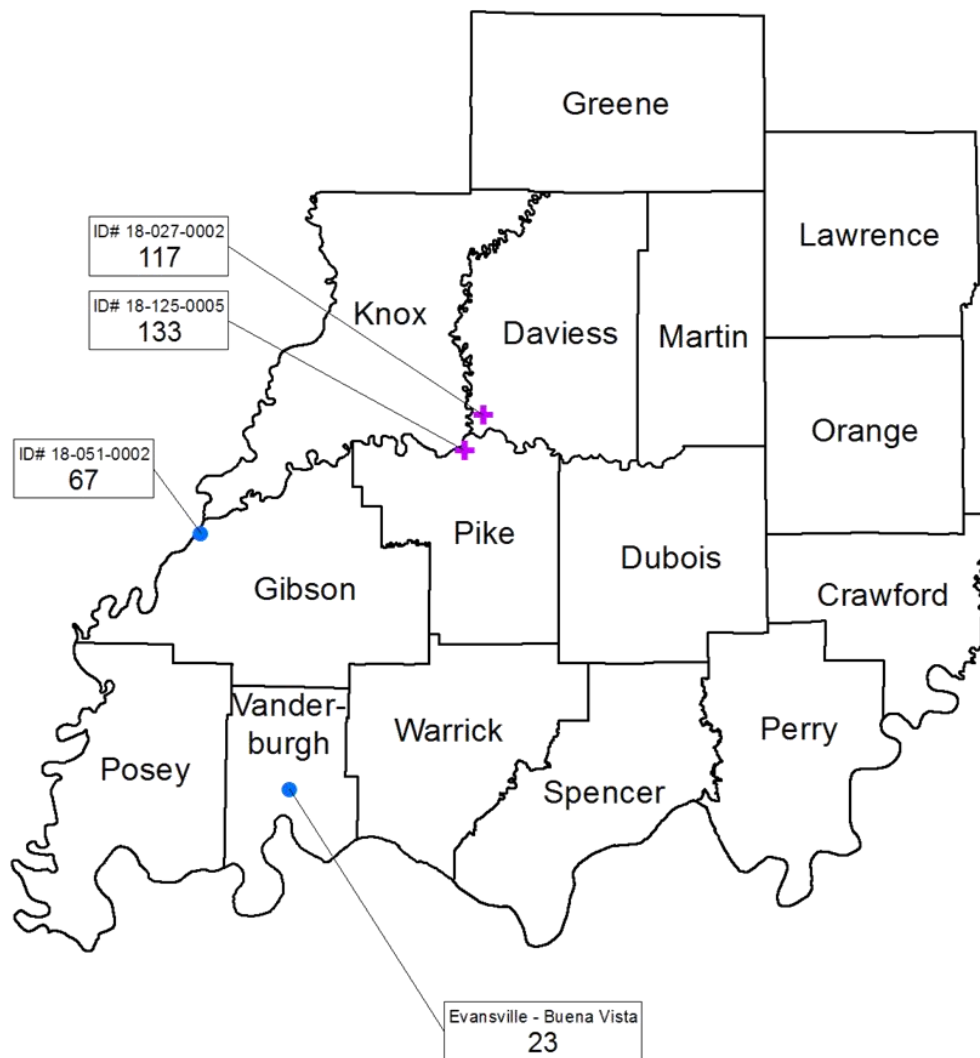
Date: 10/05/2016

Mapped by: C. Mitchell, OAQ

Sources: Office of Air Quality

Map Projection: UTM Zone 16 N

Map Datum: NAD83

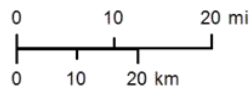


**SO₂ 1-Hour
Design Values
Southwest
Indiana
2013 - 2015**

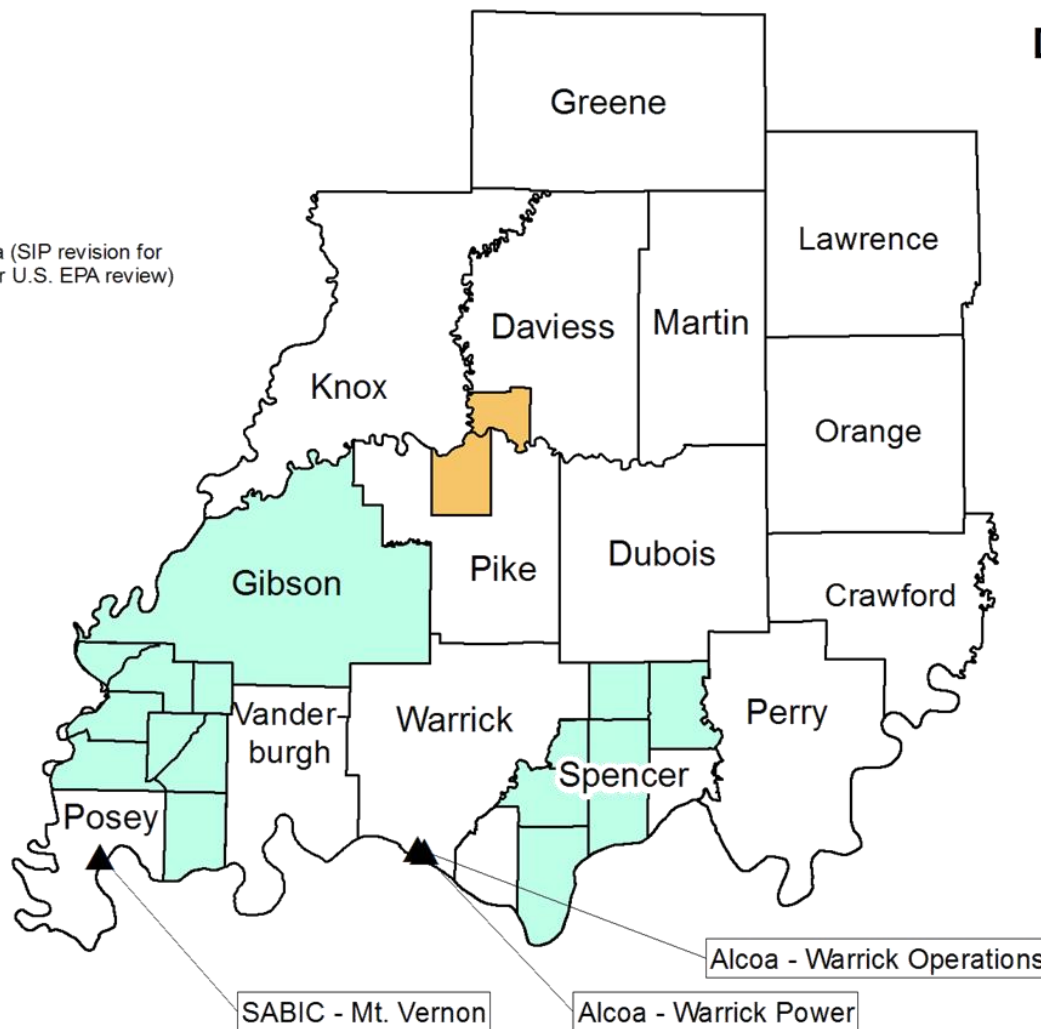
**Standard Set at
75 ppb**

Legend

- ▲ DRR Sources
(Pending Designation)
- Round 1 Nonattainment Area (SIP revision for
redesignation currently under U.S. EPA review)
- Round 2 Final Designation:
Unclassifiable/Attainment
- Indiana County Borders



Date: 10/05/2016
Mapped by: C. Mitchell, OAQ
Sources: Office of Air Quality
Map Projection: UTM Zone 16 N
Map Datum: NAD83



1-Hour SO₂ Designations Southwest Indiana

What All This Means:

- Monitored air quality values in Southwest Indiana have been trending downward and will continue to improve into the future.
- The improvement in air quality values can be attributed to a variety of national, regional, statewide, and local controls and initiatives.

Compliance and Technical Assistance

- The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. CTAP is:
 - **Non-Regulatory** – CTAP staff are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP staff when requesting assistance.
 - **Free and Confidential** – While the CTAP serves as a liaison between the regulatory agencies and businesses, no details about the company working with CTAP is provided to regulators, as the information is protected under Section 507 of the Clean Air Act.
 - **Assistance** – CTAP provides assistance through an on-site visit or via phone and will provide a full compliance review or just target a single issue. It also develops training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
 - **Multi-Media** – While most of the assistance provided is related to air regulations, staff also provides assistance related to water, land and Community Right to Know regulations.
- CTAP provides assistance to businesses that contact it directly, to businesses referred to it by regulatory inspectors or permit writers, and to businesses that CTAP identifies as impacted by new EPA or state regulations.

Contact us if you need assistance

Hotline: 800-988-7901

Email: CTAP@idem.in.gov

Website: <http://www.in.gov/idem/ctap/>

Voluntary Recognition Programs for Businesses

Goals: Promote pollution prevention & achieve measurable reduction of pollution in Indiana



- Eligibility contingent on:
 - Good environmental compliance standing
 - Partners Pledge
- Quarterly Networking meetings
- Innovation sharing
- 92 Members
- partners@idem.in.gov
- 1-800-988-7901



- Eligibility contingent on:
 - Established Environmental Management System and ISO Certification
 - Good environmental compliance standing
 - Commitment to continuous environmental improvement
- Regulatory Incentives
- 54 Members
- esp@idem.in.gov
- 1-800-988-7901

2016 Legislation

- Excess Liability Trust Fund
 - Clarifies eligibility requirements for fund access.
- Legitimate Use of Waste
 - Allows for the legitimate use of solid and hazardous waste.

Coal Combustion Residuals

- The federal rules are self-implementing with enforcement through citizen suits
- EPA has indicated states may extend compliance schedules if they amend their Solid Waste Management Plans
- Emergency Rule passed to provide IDEM authority to regulate surface impoundments containing CCR
- Indiana's Solid Waste Plan is being amended to address CCR and criteria for extending compliance deadlines
- IDEM will be updating its solid waste disposal rules to conform with EPA disposal requirements and incorporate surface impoundment regulations

Applicability of RCRA Corrective Action Laws to Current Owners of Hazardous Waste Disposal Sites

IDEM has determined that its authority to order corrective actions under RCRA, I.C. § 13-22-13 *et al.*, and related federal and state rules and regulations, **does not** extend to subsequent owners of hazardous waste facilities if the subsequent owner did not operate such a facility on the site, did not seek or receive a permit to do so, and was not required to seek or receive such a permit.

www.in.gov/idem/files/npd-waste-0067.pdf

Technical Review Panel

- Pilot Project for Resolving Technical Disputes
- Applies to State Cleanup and VRP sites
- Panel Composed of Subject Matter Experts within IDEM but outside of Remediation Program
- Available once internal review concurs there is an impasse and the consultant requests review by the Panel

Lead in Drinking Water

- In January and February, IDEM requested an update from all 789 community public water systems regarding the locations of their lead service lines. The responses are available on IDEM's virtual file cabinet.
- During the most recent legislative session, the Indiana General Assembly passed SEA 93 which provides that schools are to be supplied safe drinking water from their public water system.
- When systems have a lead exceedance, a certified copy of the lead consumer public notification sent to ratepayers must be submitted to IDEM in accordance with the federal rule, and the notification will be posted to IDEM's virtual file cabinet.
- IDEM has taken steps to improve the administration of the drinking water program by developing and implementing "lab-to-state" wherein certified laboratories submit their drinking water sampling results electronically.

Clean Power Plan

“The application for a stay submitted to The Chief Justice and by him referred to the Court is granted. The Environmental Protection Agency’s “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,” 80 Fed. Reg. 64,662 (October 23, 2015), is stayed pending disposition of the applicants’ petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants’ petition for a writ of certiorari, if such writ is sought.”

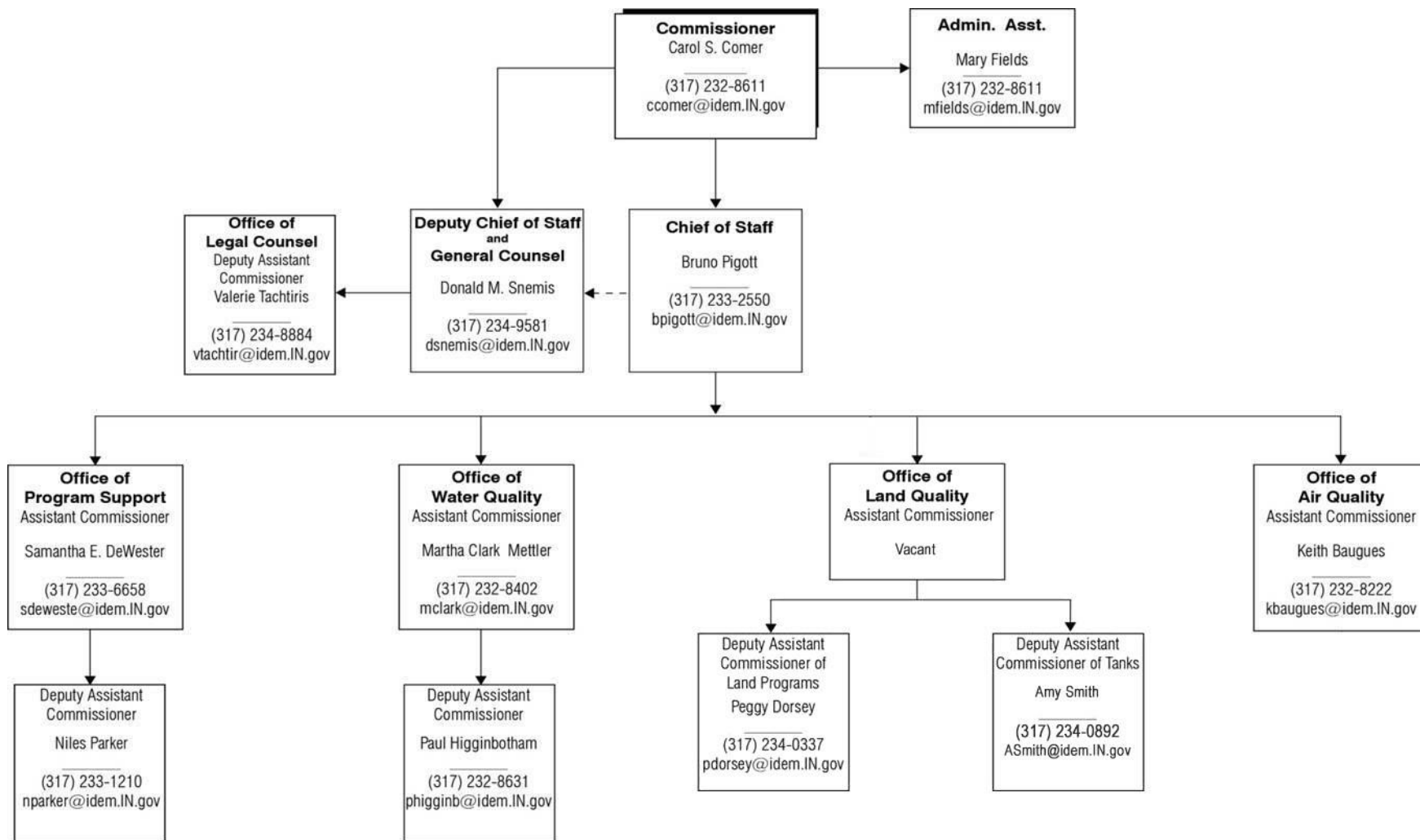
Murray Energy Corp. et al. v. EPA et al., U.S. Supreme Court, February 9, 2016

Waters of the United States

“Accordingly, on due review of the relevant considerations in light of the briefs filed by petitioners, respondents and intervenors, and in the exercise of our discretion, we GRANT petitioners’ motion for stay. The Clean Water Rule is hereby STAYED, nationwide, pending further order of the court.”

In re: Environmental Protection Agency and Department of Defense Final Rule; “Clean Water Rule: Definition of the Waters of the United States,” Sixth Circuit District Court, October 9, 2015

IDEM Leadership



Questions?

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Commissioner

Indiana Department of Environmental Management

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